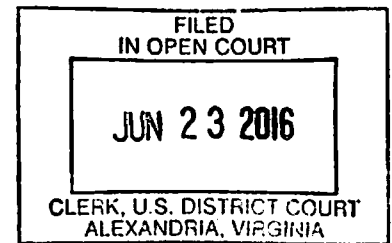


IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA )

v. )

DAVE SMITH,  
Defendant. )

CRIMINAL NO. 1:16-CR-/4/

CRIMINAL INFORMATION

(Obstruction of Justice and Mail Fraud)

THE UNITED STATES ATTORNEY CHARGES THAT:

**General Allegations**

At times relevant to this Information:

1. On or about October 13, 2013, U.S. Customs and Border Protection ("CBP"), a part of the U.S. Department of Homeland Security ("DHS"), stopped and inspected a shipment of artifacts that was being imported from Pakistan at Washington Dulles International Airport in the Eastern District of Virginia. According to the waybill, the recipient was Ijaz Khan ("Ijaz").
2. After the shipment was stopped and inspected, in October and November 2013, Ijaz contacted CBP in the Eastern District of Virginia by telephone regarding the shipment.
3. On or about January 17, 2014, CBP seized the items in the October 2013 shipment, which contained approximately 1350 artifacts.
4. On or about February 21, 2014, CBP sent Ijaz a letter notifying him that CBP had seized the October 2013 shipment and cited several different provisions as the basis for the forfeiture, including 18 U.S.C. § 545, smuggling goods into the United States. The letter also included an "Election of Proceedings" form, whereby Ijaz could choose from different options,

including abandoning the items, a judicial proceeding, or a petition for return of the items that would be considered administratively by CBP. After sharing this information with DAVE SMITH, Ijaz chose to submit a petition to CBP for the return of the items.

5. On or about March 5, 2014, Ijaz forwarded DAVE SMITH an email from a third party that set forth the different criminal and forfeiture statutes under which the October 2013 shipment had been seized, informed Ijaz that an investigation and prosecution could occur, and advised Ijaz to contact a criminal defense attorney if he decided to challenge the seizure.

**COUNT 1**  
**(Obstruction of Justice)**

6. In or about April, 2014, in the Eastern District of Virginia and elsewhere, the defendant DAVE SMITH, did corruptly obstruct, influence and impede and attempt to obstruct, influence and impede an official proceeding, to wit, a proceeding before a federal government agency that was authorized by law, specifically an administrative forfeiture and seizure by DHS and CBP, federal government departments and agencies, through the submission of a false and fraudulent petition and false supporting documentation, which contained false representations about the source, ownership, intended use, and value of the items in the October 2013 shipment.

(All in violation of Title 18, United States Code, Sections 1512(c)(2).)

**COUNTS 2 – 3**  
**(Mail Fraud)**

7. From on or about October 2013, through at least May 2014, in the Eastern District of Virginia and elsewhere, the defendant DAVE SMITH, along with others known and unknown to the investigation, including IJAZ KHAN, FAHAD KHAN, and JOHN MCNAMARA, with the intent to defraud, knowingly devised and willfully participated in, with knowledge of its fraudulent nature, a scheme and artifice to defraud, and to obtain property in the lawful custody and control of CBP, by materially false and fraudulent pretenses, representations, and promises.

**I. Scheme and Artifice**

8. For the purpose of carrying out the scheme and artifice to defraud, DAVE SMITH and others known and unknown to the investigation did, among other things:

- a. Conceal the true nature and purpose of the items in the October 2013 shipment by making false and fraudulent representations, as well as material omissions, about the origin, ownership, intended use, and value of the items.
- b. Cause the creation and submission of false, fraudulent and misleading documents, including ones intended to demonstrate that IJAZ KHAN was authorized to import the artifacts from Pakistan.

**II. Mailings in Furtherance**

9. On or about the dates shown below, in the Eastern District of Virginia and elsewhere, the defendant DAVE SMITH, and other persons known and unknown to the investigation, including IJAZ KHAN, FAHAD KHAN, and JOHN MCNAMARA, for the purpose of executing and attempting to execute the above-described scheme and artifice to defraud, and to aid and abet the same, caused to be placed in a post office and authorized

depository for mail matter, matters and things to be sent and delivered by the United States Postal Service and commercial interstate carrier, the following:

Count	Date	Description of Mailing
2	1/9/2014	A letter with attached certificates sent by IJAZ via the U.S. Postal Service from New Mexico to CBP in Sterling, Virginia.
3	4/23/2014	A petition for the return of the October 2013 shipment sent via mail from Florida to CBP in Sterling, Virginia.

(All in violation of Title 18, United States Code Sections 1341.)

Dana J. Boente  
United States Attorney

By:



Brian Harrison  
Special Assistant United States Attorney (LT)  
Katherine L. Wong  
Assistant United States Attorney